

REMARKS

Claims 1-10 and 12-15 are pending in this application. By this Amendment, claims 1, 4, 6 and 9 are amended, claim 11 is canceled, and claims 12-15 are new. Support for the amendments to claims 1 and 6 and new claims 12-15 can be found in the specification, for example, at least in paragraphs [0036]-[0038]. No new matter is added. Applicants respectfully request reconsideration and prompt allowance in view of at least the following remarks.

The Office Action objects to the disclosure for containing informalities. Applicants correct the informalities by amending the numbered paragraph listed above in the Amendments to the Specification section. Applicants respectfully request the Examiner withdraw the objection to the disclosure.

The Office Action provisionally rejects claims 1, 6 and 11 on the ground of non-statutory obviousness-type double patenting as being unpatentable over claim 1 of co-pending U.S. Application No. 10/634,828. The Office Action alleges that, while the claims are not identical, they are not patentably distinct from each other because both sets of claims are directed towards an IP phone device. The provisional rejection to claim 11 is moot in view of the cancellation of claim 11. The provisional rejection to claims 1 and 6 for non-statutory obviousness-type double patenting is noted, however, at this point U.S. Application No. 10/634,828 is still pending. Accordingly, Applicants respectfully request the rejection be held in abeyance until either the present or co-pending application issues.

The Office Action rejects claim 11 under 35 U.S.C. §101 for being directed to non-statutory subject matter. This rejection is moot in view of the cancellation of claim 11.

The Office Action rejects claims 1-11 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 7,061,901 (Shnitzer). Applicants respectfully traverse the rejection.

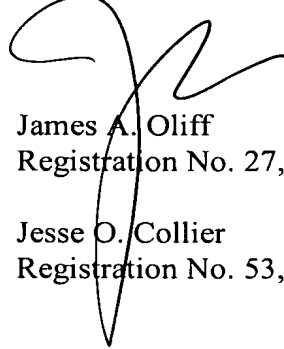
Shnitzer does not disclose a "computer control means for launching Internet telephony application software and outputting control commands to a computer for executing Internet telephony," as recited in currently amended claims 1 and 6. Instead, Shnitzer discloses the media signal gateway 160 sends DTMF signals to the media and signaling processor 180 which may pass the signals to the digital telephone switch controller 190 to generate the call (Shnitzer col. 10, lines 45-50). Further, the digital telephone switch controller 190 may comprise a suitably programmed personal computer (Shnitzer col. 10, lines 12-14). However, neither the media signal gateway 160 nor the digital telephone switch controller 190 comprising a suitably programmed computer are equivalent to "control means for launching Internet telephony application software" because neither disclose the function of launching the suitably programmed computer in the event the programs for Internet telephony are not currently running. Therefore, Shnitzer does not disclose a "computer control means for launching Internet telephony application software and outputting control commands to a computer for executing Internet telephony," as recited claims 1 and 6. Applicants respectfully assert that claims 1 and 6 are patentable.

Further, Applicants respectfully assert that claims 2-10 and 12-15 are patentable, at least in view of the patentability of independent claims 1 and 6, from which these claims variously depend, as well as for the additional features these claims recite. Accordingly, Applicants respectfully request the withdrawal of the rejection to claims 1-10.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-10 and 12-15 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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